

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSTY RICHARD DAVIES, }
Petitioner, }
v. } Civil Action No. 07-103 Erie
COMMONWEALTH OF PENNSYLVANIA, et al., }
Respondents. }

MEMORANDUM ORDER

This Motion for Leave to Proceed In Forma Pauperis was received by the Clerk of Court on May 9, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 2], filed on May 10, 2007, recommended that Petitioner's Motion be denied and the case be dismissed without prejudice. Petitioner was allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and no objections were filed. After de novo review of the Motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 30th day of May, 2007;

IT IS HEREBY ORDERED that the Petitioner's Motion for Leave to Proceed In Forma Pauperis is DENIED and the case is DISMISSED without prejudice.

The Report and Recommendation [Doc. No. 2] of Magistrate Judge Baxter, filed on May 10, 2007, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge